

APPROVED: Meeting No. 1-84

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 38-83

December 12, 1983

The Mayor and Council of Rockville, Maryland, convened in general session, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, December 12, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The City is two to three days behind on leaf pick up, but the program should be completed a week from today.
2. The traffic light has been installed by the State Highway Administration at the intersection of Maryland Avenue and Falls Road. It has not yet been activated.
3. A \$10,000 CDBG loan has been made to Sonja Fowler for the laundromat in Maryvale. She has secured a \$55,000 Maryland Development Credit Fund Loan and has ordered \$21,000 in equipment. The laundromat should open February 11. At the same time, the Maryvale shopping center owners are in the process of making improvements to the property in general.

Re: Proclamation: Driving Awareness Week

Proclamation No. 13-83

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 13-83, proclaiming the week of December 11 as Driving Awareness Week. Councilwoman Hovsepian read the proclamation at the request of the Mayor in which it was urged that all citizens be particularly cautious at this holiday time of the year to guard against driving under the influence of liquor or drugs. Mrs. Weiger, President of the Montgomery County Branch of MADD, accepted the proclamation on behalf of the organization.

Re: Appointments

Mayor Freeland made the following appointments. They were confirmed by the Council.

Economic Development Council: Robert Turner - Chairman - one year term

Senior Citizens Commission: Ben Hanan - reappointed - 3 year term

Estelle Berberian - reappointed - 3 year term

Humanities Commission: Jeannine Jeffs - reappointed - 2 year term

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. B.J. Carter, re ballpark name

Councilwoman Hovsepian asked the City Manager for the history of this item. The City Manager briefed Mrs. Hovsepian explaining that Mrs. Carter had requested that the park in the Glenora area be named after her two sons who were killed in the war. The City is placing a plaque at the ball field calling it Carter Field but Mrs. Carter would like their first names included. Councilwoman Hovsepian asked what the plaque says. The City Manager said it is not in place yet. Councilwoman Hovsepian felt under the circumstances, since there are many Carters it would be appropriate to include their first names. The City Manager said he would send this back to the Recreation and Park Board for their opinion. Mayor Freeland asked that in the mean time, Mrs. Carter be informed of the action that the City is taking.

Re: Citizens' Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein said the Carter Ballfield has been in disrepair for a long time. The City Manager explained that the lease expired on that park and the City had no right to use it because of the liability. Mr. Olson said the City will be taking that park over and work on it is in the Spring work plan.

Mr. Silberstein said he would like the City to acknowledge the Human Rights Commission's efforts in upgrading the Rockville Housing Authority. He said he realizes the Housing Authority is in a state of transition but there is in existence a minority report on the eviction and management proceedings. He said at this time he must urge a change in management at the Housing Authority and the present manager there should be asked to resign. He asked the Council when the Housing Manual would be issued. He said it would be a good time for the City to provide professional support in the form of funding in order to train the new members of the Housing Authority in housing issues. He added that access to the neighborhood is important. There should not only be one entrance to the apartment complex.

Mayor Freeland said the City does not have direct control over the Rockville Housing Authority and the Mayor and Council will not dictate to them; however, they

will be held accountable for their actions and at the same time the Mayor and Council will support their decisions. He added that the recent newspaper articles were a detriment to progress at the agency. Mr. Silberstein noted that the City is attempting to improve conditions of the authority. A change in management might cause a change in perception. He again urged the director's resignation. Mayor Freeland said he has heard both sides of the arguments from the tenants there and he feels that there is an equal amount of tenants in favor of the present managing director.

2. Jeryl Gegan, Chairman of the Rockville Housing Authority. Mr. Gegan said he had planned to rebut Mr. Silberstein's statements this evening but Mayor Freeland had said it well. Mrs. Riley, at the Housing Authority, does not make policy or State law. The eviction that received so much publicity was the second one this year and that does not constitute a trend. He said there seemed to be a good deal of emotionalism on the part of one commissioner and false allegations were made. He said Mr. Tyner's report, which was done last year, brought forth 12 recommendations. All of them have been implemented without the fan fare of the original report. He thanked the Mayor and Council for their support and said he and the other commissioners have enjoyed working with the Human Rights Commission. He added that the newest member of the Housing Authority, Jan Brown, is a Certified Housing Manager as is the executive director, Mrs. Riley, and the Authority's bookkeeper.

3. JoAnn Mazzetta, Human Rights Commission Chairman. Mrs. Mazzetta told the Council that the Commission has been working with the Housing Authority and is in the process now of drafting a letter that will be sent to the tenants saying that the Commission will be visiting the apartment complex in order to enable the tenants to talk to the commissioners. She said the tenants manual book is in the graphics department and should be completed soon. On January 14, the Commission is planning a Martin Luther King birthday observance with cultural events to go with it. Mayor Freeland thanked Mrs. Mazzetta for her work on behalf of the Commission.

There being no other citizen wishing to be heard, the Mayor closed the citizens forum portion of the meeting.

Re: Public Hearing: Special Assessment Project-Widening of the south side of Brent Road from Calvert Road to 150 feet east.

The Mayor and Council conducted a public hearing on a special assessment project for the widening of the south side of Brent Road from Calvert Road to 150 feet east, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing to be closed with the record to be held open for one week.

Re: Public Hearing: To amend the Charter of the City to delete the requirement that funds unexpended and unencumbered at the end of the budget year be included among the anticipated revenues for the next succeeding budget year.

The Mayor and Council conducted a public hearing on a resolution to amend the Charter to delete the requirement that funds unexpended and unencumbered at the end of the budget year, be included among the anticipated revenues for the next succeeding budget year and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held opened for one week.

Re: Public Hearing: Resolution: to amend the Charter of the City to amend the election provisions by changing the date on which elections are held; by including among the reasons for which a vacancy can occur on the Council; the filing to become a candidate for certain public office; and by providing that vacancies on the Council with remaining terms of one year or greater shall be filled by special City election, with other vacancies to be filled by vote of the Mayor and Council

Re: Public Hearing: Resolution: To amend the Charter of the City so as to change the residency period for candidates prior to running for office; to delete the salary of Mayor and Councilmembers from the Charter and to provide that said salary shall be set by ordinance

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Re: Public Hearing: Resolution:
To amend the Charter of the
City of Rockville so as to
amend the personnel provisions
by limiting the prohibitions
against various political
activities to those relating
to City elections

The Mayor and Council conducted a public hearing on three resolutions to amend the Charter dealing with election provisions and personnel provisions as they pertain to elections and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Adoption of Resolution: To
Authorize the execution of a
contract for the Annexation of
14.66 acres of land - Westmont
Limited Partnership, Applicant

Resolution No. 31-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 31-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, authorizing the execution of a contract for the annexation of 14.66 acres of land - Westmont Limited Partnership, Applicant, was adopted by the Mayor and Council.

Re: Adoption of Resolution: To
enlarge the corporate
boundaries of the City of
Rockville to include 14.66
acres of land, more or less,
"Wheel of Fortune", X-85-81,
Westmont Associates Limited
Partnership, Applicant

Resolution No. 32-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 32-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council enlarging the corporate boundaries of the City to include 14.66 acres of land, was adopted by the Mayor and Council.

Re: Introduction of Ordinance: To
amend the zoning map by adding
14.66 acres of land in the I-3
Industrial Zone, X-85-81

On motion of Councilman Abrams, there was introduced upon the table an ordinance amending the zoning map by adding 14.66 acres of land to the I-3, Industrial Zone, said ordinance to lay over one week before final action is taken.

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Re: Introduction of Resolution:
To enlarge the corporate
boundaries of the City to
include 0.45 acres of land, on
the north side of Southlawn
Lane, Application X-88-83,
Mayor and Council of Rockville

On motion of Councilman Duncan, there was introduced upon the table, a resolution to enlarge the corporate boundaries of the City to include 0.45 acres on the north side of Southlawn Lane, Application X-88-83, Mayor and Council of Rockville applicant.

Re: Adoption of Resolution: To
provide for public hearing and
notice in connection with the
annexation of 0.45 acres of
land, Dustin & Quinn, X-88-83

Resolution No. 33-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 33-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council providing for public hearing and notice in connection with annexation of 0.45 acres of land, Dustin & Quinn, X-88-83, was adopted by the Mayor and Council.

Re: Introduction of Resolution:
To enlarge the corporate
boundaries of the City of
Rockville to include 1.175
acres of land, more or less,
on Rothgeb Drive, X-89-83,
Mayor and Council of
Rockville, Applicant

On motion of Councilman Duncan, there was introduced upon the table, a Resolution enlarging the corporate boundaries of the City of Rockville to include 1.175 acres of land, more or less, on Rothgeb Drive, X-89-83, Mayor and Council of Rockville, Applicant.

Re: Adoption of Resolution: To
provide for public hearing and
notice in connection with
annexation of 1.175 acres of
land, Rothgeb Drive, X-89-83

Resolution No. 34-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 34-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for public hearing and notice in connection with the annexation of 1.175 acres of land, Rothgeb Drive, X-89-83, was adopted by the Mayor and Council.

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Re: Introduction of Resolution:
To enlarge the corporate
boundaries of the City of
Rockville to include 7.99904
acres of land, more or less on
north side of Hectic Hill
Lane, X-90-83, Mayor and
Council, Applicant

On motion of Councilman Duncan, there was introduced upon the table, a Resolution enlarging the corporate boundaries of the City of Rockville to include 7.99904 acres of land, more or less on north side of Hectic Hill Lane, X-90-83, Mayor and Council, Applicant.

Re: Adoption of Resolution: To
provide for public hearing and
notice in connection with
annexation of 7.99904 acres of
land, north of Hectic Hill
Lane, X-90-83.

Resolution No. 35-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 35-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for public hearing and notice in connection with annexation of 7.99904 acres of land, north of Hectic Hill Lane, X-90-83, was adopted by the Mayor and Council.

Re: Introduction of Resolution:
To enlarge the corporate
boundaries of the City of
Rockville to include 0.3453
acres of land, more or less,
on Seven Locks Road, X-91-83,
Mayor and Council of
Rockville, Applicant.

On motion of Councilman Duncan, there was introduced upon the table a Resolution enlarging the corporate boundaries of the City of Rockville to include 0.3453 acres of land, more or less, on Seven Locks Road, X-91-83, Mayor and Council of Rockville, Applicant.

Re: Adoption of Resolution: To
provide for public hearing and
notice in connection with
annexation of 0.3453 acres of
land, on Seven Locks Road,
X-91-83

Resolution No. 36-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 36-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for public hearing and notice in connection with annexation of 0.3453 acres of land, on Seven Locks Road, X-91-83, was adopted by the Mayor and Council.

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Re: Introduction of Resolution:
To enlarge the corporate
boundaries of the City of
Rockville to include 0.5317
acres of land, more or less,
on the east side of Avery
Road, X-92-83, Mayor and
Council of Rockville,
Applicant

On motion of Councilman Duncan, there was introduced upon the table, a Resolution enlarging the corporate boundaries of the City of Rockville to include 0.5317 acres of land, more or less, on the east side of Avery Road, X-92-83, Mayor and Council of Rockville, Applicant.

Re: Adoption of Resolution: To
provide for public hearing and
notice in connection with
annexation of 0.5317 acres of
land on the east side of Avery
Road, X-92-83.

Resolution No. 37-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 37-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council providing for public hearing and notice in connection with annexation of 0.5317 acres of land on the east side of Avery Road, X-92-83, was adopted by the Mayor and Council.

Re: Introduction of Resolution:
To enlarge the corporate
boundaries of the City of
Rockville to include 36.593
acres of land, more or less,
on the north side of Baltimore
Road, X-93-83, Mayor and
Council of Rockville Applicant

On motion of Councilman Duncan, there was introduced upon the table, a Resolution enlarging the corporate boundaries of the City of Rockville to include 36.593 acres of land, more or less, on the north side of Baltimore Road, X-93-83, Mayor and Council of Rockville, Applicant.

Re: Adoption of Resolution: To
provide for public hearing and
notice in connection with
annexation of 36.593 acres of
land on the north side of
Baltimore Road, X-93-83.

Resolution No. 38-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 38-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for public hearing and notice in connection with annexation of 36.593 acres of land on the north side of Baltimore Road, X-93-83, was adopted by the Mayor and Council.

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Re: Introduction of Ordinance: To grant Text Amendment Application, T-56-83, Rockville Planning Commission, Applicant (Sign Ordinance)

On motion of Councilman Abrams, there was introduced upon the table an Ordinance granting Text Amendment Application, T-56-83, said ordinance to lay over one week before final action is taken.

Re: Introduction of Ordinance: To amend Section 1-108, of Chapter 14D of the "Laws of Rockville", entitled Building Restriction Lines" to permit identification signs to be erected within the building restriction lines along both sides of Rockville Pike

On motion of Councilman Abrams, there was introduced upon the table, an ordinance amending Section 1-108, of Chapter 14D of the "Laws of Rockville", entitled Building Restriction Lines" to permit identification signs to be erected within the building restriction lines along both sides of Rockville Pike, said ordinance to lay over one week before final action is taken

Re: Adoption of Resolution: To deny annexation Petition X-87-83, Covenant/Schiavone Properties, 11.41 acres on the west side of Route 28 at Research Boulevard

Resolution No. 39-83

On motion of Councilman Duncan, duly seconded and passed, Resolution No. 39-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, denying Annexation Petition X-87-83, Covenant/Schiavone Properties, 11.41 acres on the west side of Route 28 at Research Boulevard, was adopted by the Mayor and Council, Councilmembers Hovsepian, Duncan and Tyner voting aye and Mayor Freeland and Councilman Abrams voting nay.

Re: Introduction of Ordinance: To exercise the authority conferred upon the Mayor and Council of Rockville by Article 23A of the Annotated Code of Maryland by exempting the City prospectively and retrospectively from the applicability of all legislation enacted by Montgomery County by generally establishing provisions for the enforcement of City laws by Montgomery County

Councilman Tyner asked Mr. Hobbs for comments on the Ordinance. Mr. Hobbs said three meetings of the Chapter have been held. There is a three-part proposal before the committee at this time on which the County will comment. This Thursday's meeting

will bring some results, and in the meantime it is best that the City proceed in this vein.

On motion of Councilman Duncan there was introduced upon the table, an Ordinance exercising the authority conferred upon the Mayor and Council of Rockville by Article 23A of the Annotated Code of Maryland by exempting the City prospectively and retrospectively from the applicability of all legislation enacted by Montgomery County by generally establishing provisions for the enforcement of City laws by Montgomery County, said ordinance to lay over one week before final action is taken.

Re: Decision and Instruction to
Staff re Map Amendment
Application M-34-83,
Congressional South, Applicant,
request to rezone 55.595
square feet in the rear of
Congressional South Shopping
Center to C-2, Commercial Zone

Councilman Tyner asked if there is any comment from the staff on the sanitary or traffic projections. Mr. Goodin said no answers are ready at this time. Councilman Tyner suggested that in areas of intense rehabilitation, the City look to the traffic flow. Mayor Freeland agreed and said that is most necessary because the City must be prepared to deal with this type of development. Councilwoman Hovsepian cautioned that any development there conform to the City's Streetscape Plan.

On motion of Councilman Abrams, duly seconded and unanimously passed staff was instructed to prepare the necessary legal documentation to grant Map Amendment Application M-34-83, Congressional South, Applicant.

Re: Approval of Policies for the
use of Court House Square by
private groups

The Mayor and Council have been given a set of policies for the rental and exclusive use of Court House Square by private groups for a one-year trial period. Councilman Duncan asked how close this follows park policy and why it is expensive. Mr. Olson said although the plan is patterned on the park policy, the area and uses differ so widely from users and use in the parks because of proximity to the Courthouse and Executive Office Buildings that the costs have been increased and the procedure cannot be exactly the same. It was the staff's feeling to build in many safeguards at this time and if in the future they become unnecessary, they will be easy to remove. Councilman Duncan asked several questions on the admission policy and on charging admission. He did not agree with the cost or the procedure and suggested it might be that users were priced out of the market. Mayor Freeland disagreed with Councilman Duncan and explained that the square was not a facility that was built to be a fund raiser and for that reason he would prefer to see very

distinct rules for its use. There is also cost involved because of the surveillance necessary and the fact that the road must be closed to traffic.

On motion of Councilman Tyner, duly seconded and passed, the Council agreed that these rules and rates could be used for a one year trial period. The motion passed, only Councilman Duncan voting nay.

Re: Presentation by Housing Policy
Task Force of Interim Report

Sima Osdoby of the Housing Policy Task Force, presented the Mayor and Council with the Task Force's Interim Report. The Mayor and Council now will have an opportunity to study the progress of the task force. The Mayor thanked Mrs. Osdoby and asked her to pass on the gratitude of the Mayor and Council to the other members.

On motion of Councilman Duncan, the staff was instructed to proceed with an ordinance with similar legislative intent as Montgomery County's moderate price dwelling unit legislation.

Re: Correspondence

The Mayor and Council noted the following items of correspondence

2. Goodyear Street Supply Company, re bid protest

Mr. Glasgow asked if the Mayor and Council had any problem with this. The City Manager said he would like to put this on a future agenda.

3. Anne Taylor, re Kiss & Ride
4. P.W. Yeary, re sound equipment
5. Doctor Parilla, re thank you
6. Hanna Saah, re complaint
7. J. J. Snyder, re Maryvale development
8. Mrs. J. Napoli, re complaint
9. Karen Lechter, re commendation of City employee
10. Lt. Lefevre, State Police, re transfer and replacement
11. L. Ziegler, re Education Advisory Committee
12. W. Mooney, re Senior Center
13. S. R. Albersheim, re water bill

Councilwoman Hovsepian asked if the City Manager would send more information on this to the Council.

14. Luise N. Huegel, re commendation of City employee

Re: Information Items

1. Letter commending City employee
2. Letter to Delegate Gordon from DOT re signal at Bouic
3. Report on streetlight vandalism
4. Information on Gude Drive landscaping

5. Memo on BMX Tract on Seven Locks Road
6. Memo from City Attorney on Deferred Compensation Program
7. Status report on Transportation Planning Study
8. Memo on Orchard Ridge School Boundary
9. Memo on Day Care Center

Councilman Tyner asked why the City's day care law is different from the County's. The Mayor said it should be standardized. The Council agreed that the City should initiate a text amendment to standardize.

10. Information on Sunday Dinner program
11. Cable television letter

Re: New Business

1. Councilman Tyner noted that an article has appeared in the New Jersey municipal magazine dealing with home occupations and he passed it on for further review.

2. Councilman Tyner said he had received a request from the NLC for committee membership from the Council. Possibly the Mayor and Council would like to reconsider active membership in the National League of Cities since that is necessary for committee membership. Mayor Freeland asked that the Clerk proceed to take care of this membership application. The Council agreed a letter would be sent recommending Councilmembers Abrams and Tyner for the Transportation and Human Development Committees.

3. Councilwoman Hovsepian asked the City Manager if he would see that the heater is fixed in the Council's office.

4. Mayor Freeland asked Councilman Tyner if, in his official capacity as President of the Maryland Municipal League, he would have the League get behind of the efforts of the MADD, possibly issue a proclamation warning people about driving while intoxicated.

5. Mayor Freeland said he has been meeting with the staff and the owner of the Lenmore Apartments and tomorrow night the residents of the apartments and neighbors will meet at the Lincoln Park Center. He told the Council that they are most welcome to attend.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 36-83, November 14, 1983, were approved as written.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes of Meeting No. 37-83, November 21, 1983, were approved as corrected.

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Re: Executive Session

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the meeting was closed for executive session to discuss contracts and personnel.

Re: Adjournment

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 12:25 a.m. to convene again in general session on Monday, December 19, 1983, at 8:00 p.m. or at the call of the Mayor.